

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

-
WRIT PETITION No. 11881 of 2007

-
ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to the order dated 23.1.2007 passed in O.A. No. 3799 of 2005 on the file of the A.P. Administrative Tribunal and to set aside the said order as illegal and arbitrary.

The respondent No.1 herein filed O.A No. 3799 of 2005 challenging the action of the respondents therein in not releasing the full pension and other retirement benefits of the applicant consequent on his retirement and also to declare that the disciplinary proceedings pursuant to charge memo No. 3392/97/A7 dated 12.7.1998 are deemed to have been waived in view of inordinate and unexplained delay. Having heard the learned counsel for the parties and perusing the material available on record, the Tribunal allowed the O.A. and directed the respondents therein to release pensionary benefits to the applicant within three months from the date of receipt of a copy of the order and to pay interest of 8% interest on the delayed payment after the expiry of the stipulated period of three months. Aggrieved by the same, the A.P. State Civil Supplies Corporation

Limited, represented by its District Manager, Visakhapatnam filed this writ petition.

Heard the learned counsel for the petitioner and perused the material available on record.

Though the learned counsel for the petitioner tried to persuade us that the Tribunal erred in passing the order quashing the charge memo dated 12.7.1998 and directing to release the pensionary benefits to respondent No.1, having gone through the order passed by the Tribunal and having regard to the facts and circumstances of the case we are convinced the Tribunal rightly directed to release the pensionary benefits to the applicant for the reason that there is inordinate unexplained delay in concluding the disciplinary proceedings against the applicant – respondent No.1 herein. Apparently, the charge memo was issued on 12.7.1998 to which the respondent No.1 submitted statement of defence, but for the reasons best known to them the concerned authorities have not proceeded further with the enquiry against him even after lapse of eight years. There is no plausible explanation for not concluding the disciplinary proceedings initiated against the respondent No.1 in the year 1998. Therefore, relying on Rule 9 of the A.P. Revised Pension Rules and the well settled legal position that inordinate unexplained delay in not concluding the disciplinary proceedings vitiates the disciplinary proceedings, the charge memo was liable to be quashed and it has

been rightly done so by the Tribunal. Having considered the matter, we are of the view that the Tribunal did not commit any illegality or irregularity in passing the order dated 23.1.2007 warranting interference of this Court.

We find no merit in this writ petition. It is accordingly dismissed.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 11-6-2007.

MVB.